

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 15

HOUSE BILL 2110

AN ACT

AMENDING SECTION 11-584, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 124, SECTION 1; AMENDING SECTION 11-584, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 124, SECTION 2; RELATING TO PUBLIC DEFENDERS; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-584, Arizona Revised Statutes, as amended by
3 Laws 2002, chapter 124, section 1, is amended to read:

4 11-584. Public defender; duties; reimbursement

5 A. The public defender shall perform the following duties:

6 1. Upon order of the court, defend, advise and counsel without expense
7 to the defendant, subject to subsection B of this section, any person who is
8 not financially able to employ counsel in the following proceedings and
9 circumstances:

10 (a) Offenses triable in the superior COURT or justice courts at all
11 stages of the proceedings, including the preliminary examination, but only
12 for those offenses which by law require that counsel be provided.

13 (b) Extradition hearings.

14 (c) Sanity hearings only when appointed by the court under title 36,
15 chapter 5.

16 (d) Involuntary commitment hearings held pursuant to title 36, chapter
17 18, only if appointed by the court.

18 (e) Involuntary commitment hearings held pursuant to title 36, chapter
19 37, when appointed by the court as provided in section 36-3704, subsection
20 C, if the court appoints the public defender and the board of supervisors has
21 advised the presiding judge of the county that the public defender is
22 authorized to accept the appointment.

23 (f) Juvenile delinquency and incorrigibility proceedings only when
24 appointed by the court under section 8-221.

25 (g) Appeals to a higher court or courts.

26 (h) All juvenile proceedings other than delinquency and
27 incorrigibility proceedings under subdivision (f), including serving as a
28 guardian ad litem, when appointed by the court pursuant to section 8-221, if
29 the court appoints the public defender and the board of supervisors has
30 advised the presiding judge of the county that the public defender is
31 authorized to accept the appointment.

32 (i) All mental health hearings regarding release recommendations held
33 before the psychiatric security review board pursuant to section 13-3994,
34 when appointed by the court as provided in section 31-502, subsection A,
35 paragraph 8, if the court appoints the public defender and the board of
36 supervisors has advised the presiding judge of the superior court in the
37 county that the public defender is authorized to accept the appointment.

38 (j) As attorneys pursuant to title 14, chapter 5, article 4 of adults
39 who are allegedly unable to effectively manage their affairs or preserve
40 their estates, if the court appoints the public defender and the board of
41 supervisors has advised the presiding judge of the county that the public
42 defender is authorized to accept the appointment.

43 2. Keep a record of all services rendered by the public defender in
44 that capacity and file with the board of supervisors an annual report of
45 those services.

1 3. By December 1 of each year, file with the presiding judge of the
2 superior court, the chief probation officer and the board of supervisors an
3 annual report on the average cost of defending a felony case.

4 B. Although the services of the public defender or court appointed
5 counsel shall be without expense to the defendant, the court may make the
6 following assessments:

7 1. ~~At the time of the defendant's initial appearance,~~ Order an
8 indigent administrative assessment of not more than twenty-five dollars.

9 2. ~~At the time of the juvenile's advisory hearing,~~ Order an
10 administrative assessment fee of not more than twenty-five dollars to be paid
11 by the juvenile or the juvenile's parent or guardian.

12 3. Require that the defendant, including a defendant who is placed on
13 probation, repay to the county a reasonable amount to reimburse the county
14 for the cost of the defendant's legal defense. Reimbursement for legal
15 services provided to a juvenile shall be ordered pursuant to section 8-221.

16 C. In determining the amount and method of payment the court shall
17 take into account the financial resources of the defendant and the nature of
18 the burden that the payment will impose.

19 D. Assessments collected pursuant to subsection B of this section
20 shall be paid into the county general fund in the account designed for use
21 solely by the public defender and court appointed counsel to defray the costs
22 of public defenders and court appointed counsel. The assessments shall
23 supplement, not supplant, funding provided by counties for public defense,
24 legal defense and contract indigent defense counsel in each county.

25 Sec. 2. Section 11-584, Arizona Revised Statutes, as amended by Laws
26 2002, chapter 124, section 2, is amended to read:

27 11-584. Public defender; duties; reimbursement

28 A. The public defender shall perform the following duties:

29 1. Upon order of the court, defend, advise and counsel without expense
30 to the defendant, subject to subsection B of this section, any person who is
31 not financially able to employ counsel in the following proceedings and
32 circumstances:

33 (a) Offenses triable in the superior court or justice courts at all
34 stages of the proceedings, including the preliminary examination, but only
35 for those offenses which by law require that counsel be provided.

36 (b) Extradition hearings.

37 (c) Sanity hearings only when appointed by the court under title 36,
38 chapter 5.

39 (d) Involuntary commitment hearings held pursuant to title 36, chapter
40 18, only if appointed by the court.

41 (e) Involuntary commitment hearings held pursuant to title 36, chapter
42 37, when appointed by the court as provided in section 36-3704, subsection
43 C, if the court appoints the public defender and the board of supervisors has
44 advised the presiding judge of the county that the public defender is
45 authorized to accept the appointment.

1 (f) Commitment hearings held pursuant to section 13-4518 only if
2 appointed by the court.

3 (g) Juvenile delinquency and incorrigibility proceedings only when
4 appointed by the court under section 8-221.

5 (h) Appeals to a higher court or courts.

6 (i) All juvenile proceedings other than delinquency and
7 incorrigibility proceedings under subdivision (g), including serving as a
8 guardian ad litem, when appointed by the court pursuant to section 8-221, if
9 the court appoints the public defender and the board of supervisors has
10 advised the presiding judge of the county that the public defender is
11 authorized to accept the appointment.

12 (j) All mental health hearings regarding release recommendations held
13 before the psychiatric security review board pursuant to section 13-3994,
14 when appointed by the court as provided in section 31-502, subsection A,
15 paragraph 9, if the court appoints the public defender and the board of
16 supervisors has advised the presiding judge of the superior court in the
17 county that the public defender is authorized to accept the appointment.

18 (k) As attorneys pursuant to title 14, chapter 5, article 4 of adults
19 who are allegedly unable to effectively manage their affairs or preserve
20 their estates, if the court appoints the public defender and the board of
21 supervisors has advised the presiding judge of the county that the public
22 defender is authorized to accept the appointment.

23 2. Keep a record of all services rendered by the public defender in
24 that capacity and file with the board of supervisors an annual report of
25 those services.

26 3. By December 1 of each year, file with the presiding judge of the
27 superior court, the chief probation officer and the board of supervisors an
28 annual report on the average cost of defending a felony case.

29 B. Although the services of the public defender or court appointed
30 counsel shall be without expense to the defendant, the court may make the
31 following assessments:

32 1. ~~At the time of the defendant's initial appearance,~~ Order an
33 indigent administrative assessment of not more than twenty-five dollars.

34 2. ~~At the time of the juvenile's advisory hearing,~~ Order an
35 administrative assessment fee of not more than twenty-five dollars to be paid
36 by the juvenile or the juvenile's parent or guardian.

37 3. Require that the defendant, including a defendant who is placed on
38 probation, repay to the county a reasonable amount to reimburse the county
39 for the cost of the defendant's legal defense. Reimbursement for legal
40 services provided to a juvenile shall be ordered pursuant to section 8-221.

41 C. In determining the amount and method of payment the court shall
42 take into account the financial resources of the defendant and the nature of
43 the burden that the payment will impose.

44 D. Assessments collected pursuant to subsection B of this section
45 shall be paid into the county general fund in the account designed for use

1 solely by the public defender and court appointed counsel to defray the costs
2 of public defenders and court appointed counsel. The assessments shall
3 supplement, not supplant, funding provided by counties for public defense,
4 legal defense and contract indigent defense counsel in each county.

5 Sec. 3. Conditional enactment

6 Section 11-584, Arizona Revised Statutes, as amended by Laws 2001,
7 chapter 161, section 1, Laws 2002, chapter 124, section 2 and section 2 of
8 this act is effective on October 1, 2003 unless the condition specified in
9 Laws 2001, chapter 185, section 3 is met.

APPROVED BY THE GOVERNOR MARCH 28, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 28, 2003.

Passed the House February 11, 2003,

by the following vote: 58 Ayes,

0 Nays, 1 Not Voting

1 Vacancy

Jake Flake
Speaker of the House

Spencer L. Moore
Chief Clerk of the House

Passed the Senate March 20, 2003,

by the following vote: 26 Ayes,

0 Nays, 4 Not Voting

Ken Blunt
President of the Senate

Charmian Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of March, 2003

at 3:12 o'clock P M.

Sandra Clary
Secretary to the Governor

Approved this 28 day of

March, 2003,

at 8⁰⁰ o'clock A M.

J. N. K.
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of March, 2003,

at 3:02 o'clock P M.

Janice K. Brown
Secretary of State

H.B. 2110